

## **REMARKS**

This Amendment is in response to the Office Action mailed March 9, 2005. Claims 1-19 are pending in the application and have been rejected. With this Amendment, independent claims 1 and 17 have been amended in order to further define the present invention. Support for the claimed bottom plate 3 of substance support 1 is shown in at least FIGS. 1a and 2-7.

Claims 1-2, 8-14 and 16-19 have been rejected under 35 U.S.C. §102(b) as being anticipated by Burbaum (U.S. Patent No. 6,274,088). The Examiner states that Burbaum discloses an apparatus for high throughput parallel separation and filtration for biological fluids using microtiter plates. The Examiner further states that the Burbaum reference discloses all of Applicant's limitations in the rejected claims.

It is respectfully submitted that the Burbaum reference cannot anticipate, nor teach or suggest the present invention as claimed. As illustrated in FIG. 1, Burbaum discloses a transfer apparatus 100 in which two 1536-well plates 140 and 150 are provided. The well plates are separated by a membrane 130 and covered by two compressing plates 110 and 120, see also column 3, lines 31-54.

The pending application claims, in independent claims 1 and 17, a screening and/or synthesis device for performing at least one basic operation comprising adding, releasing, transferring, converting or detecting, on samples contained in the reaction vessels of a substance support, in particular a titer plate, in method regarding the same. The preamble of claims 1 and 17 are different from Burbaum because at least one basic operation can be performed, when the titer plate is located in the device. In order to perform a claimed basic operation, it is important that the leveling device allows accessibility to the reaction vessels. Claims 1 and 17 further claim that the leveling device at least partially levels out the substance support before and/or while the basic operation is carried out.

The Examiner states that Burbaum discloses pressure plates with at least one recess in such a manner that the reaction vessels are freely accessible for carrying out at least one basic operation. It is respectfully submitted that the Burbaum reference does not provide such a teaching as suggested by the Examiner. As stated in column 4, lines 56-62 of Burbaum, recesses 511 and 521 are not holes because the recesses

are cut around the edges of the top surface of the plates 510 and 520. The creation of the recesses 511 and 521 results in plates 510 and 520 having raised central portions 513 and 523, which fit into the matching recesses in the base of a standard 1536-well plate. Therefore, the reaction vessels are not freely accessible.

According to one embodiment of the present invention, the titer plate is put onto the receiving device 20 of the screening device and planarized by a vacuum. The upper side of the titer plate is not covered. In the embodiment where pressure plate 15 is utilized, the same is adjusted to the requirements for the current work station of the screening and/or synthesis device and thus the basic operation can still be carried out at the time. As shown in FIG.5 of the present invention, pressure plate 15 is designed in the form of a swage block having multiple recesses 30 shown as hole 16, see also page 19, third paragraph of the application. Accordingly, the limitation added to claims 1 and 17 specifically, "whereby the leveling device is adjusted to the requirements for the current workstation of the screening and/or synthesis device so that the basic operation can be carried out" cannot be anticipated, nor taught or suggested by Burbaum.

Claims 3-7 and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Burbaum in view of Bevirt (U.S. Patent No. 6,063,579). The Examiner states that Burbaum fails to teach a vacuum channel connected to the area of support and connected to a negative pressure source. Burbaum also fails to teach the vacuum channel is arranged in a planar support plate in such a manner that the support plate exhibits multiple suction grooves on a support side turned toward the substance support where the support side of the support plate forms the support surface. Burbaum also fails to teach a vacuum plate is arranged between the substance support and support side of the support plate, whereby a top side of the vacuum plate forms the support surface. Burbaum also fails to teach the vacuum plate exhibits at least one porous layer for the homogeneous attraction of the substance support. Accordingly, the Examiner utilizes the Bevirt reference to teach the deficiencies of Burbaum.


It is respectfully submitted that the combination of Burbaum in view of Bevirt cannot teach or suggest claims 3-7 and 15. Bevirt teaches that microtiter plate 70 which consists of a frame structure with a plurality of wells 72, but does not contain a

bottom plate as claimed in independent claims 1 and 17 and thus also in the dependent claims. Bevirt contains a large volume between the wells 72 which has to be evacuated in order to flatten the microtiter plate 70. As illustrated in the Figures of the present invention, titer plate 1 includes a bottom plate 3 as claimed. As such, there is a relatively small volume between the basic area 5 and planar support area 8. Neither the Bevirt reference nor the Burbaum reference can teach or suggest the same.

It is respectfully submitted that the rejections have been overcome and the claims are in condition for allowance. A Notice of such is earnestly solicited. Should the Examiner have any questions regarding this response, a telephone call to the undersigned is greatly appreciated in order to expedite allowance of the application.

Respectfully submitted,

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